

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65744 of 2023

Arising Out of PS. Case No.-509 Year-2022 Thana- WAJIRGANJ District- Gaya

Sabnam Kumari, Wife of Sri Vikash Kumar Singh, Resident of Village-
Karisowa, P.S.- Wazirganj, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ritwik Thakur, Advocate
For the State	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and Mr.
Binod Kumar, learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Wazirganj P.S. Case No. 509 of 2022 in which police found the case under Sections 304/34 of the Indian Penal Code during investigation. He has no criminal antecedent.

3. As per the prosecution story, the informant alleges that on 28.09.2022, his grandson was assaulted by one teacher, namely, Vikash Kumar Singh who runs one School, namely, Residential Little Leaders' School in which the grandson of the informant also used to read. The grandson of the informant was found lying by the side of the road by one Banti Rajvanshi of Village- Ukhara who brought him on a tempo. When the informant along with his grandson went to the said school, the

teacher refused to talk and the informant went to the police station where he was suggested to first get his grandson treated by the Doctor. The informant took his grandson to Medical College, Gaya where his grandson was declared dead.

4. Learned counsel for the petitioner submits that the deceased was residing in a Boarding School of the husband of the petitioner. He was never beaten by anyone and, in fact, in course of investigation, the boys of the said School have stated that the deceased Vivek Kumar had gone near the motor pump after putting his cloth where he fell down and sustained injury. It is submitted that so far as this petitioner is concerned, she has been falsely implicated in this case only because she happen to be wife of the co-accused Vikash Kumar Singh @ Vikash Kumar who was running the School. There is no specific allegation against her.

5. The co-accused Vikash Kumar Singh has been granted bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 11612 of 2023 (Annexure '2') after noticing that the police has submitted a charge-sheet under Section 304/34 of the Indian Penal Code.

6. It is further submitted that in course of investigation, the sister of the deceased has stated that the

deceased was not assaulted by anyone and this submission has been taken note of by learned co-ordinate Bench in the order granting regular bail to the husband of the petitioner.

7. Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but nothing has been brought to the notice of this Court to controvert the materials which have been taken note of by learned co-ordinate Bench in the case of Vikash Kumar Singh.

8. Having regard to the above, this Court directs that in case of her arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Wazirganj P.S. Case No. 509 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the

acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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